

United States District Court
For the Northern District of California

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

RALPH JENKINS,

CASE NO. 5:11-cv-00588 EJD

ORDER TO SHOW CAUSE

Plaintiff(s),

v.

SAN JOSE POLICE, et. al.,

Defendant(s).

The above-entitled case was reassigned to the this court on April 25, 2011. See Docket Item No. 10. Having reviewed this action, the court has determined it cannot currently proceed for two reasons.

First, Plaintiff's previous request to proceed in forma pauperis was denied without prejudice. See Docket Item No. 9. As such, it was incumbent upon Plaintiff to either pay the filing fee or submit a subsequent request to maintain this action in forma pauperis when he filed the Amended Complaint on May 3, 2011. To date, Plaintiff has not taken action in that regard.

Second, there does not appear to be a basis for federal jurisdiction here. Plaintiff's Amended Complaint raises only contract claims based entirely in state law, and all parties to this action appear to be located in California.

Accordingly, the court orders Plaintiff to show cause why this case should not be dismissed. Plaintiff must, **not later than October 27, 2011**, do the following: (1) either pay the filing fee for a civil action to the Clerk's Office or file another request to proceed in forma pauperis, and (2) file a

1 brief statement demonstrating the basis for this court's subject matter jurisdiction over the claims
2 contained in the Amended Complaint. No hearing will be held on the Order to Show Cause unless
3 ordered by the court. The Case Management Conference previously scheduled for October 14,
4 2011, is **VACATED**.

5 Plaintiff is admonished that failure to comply with this order or failure to show sufficient
6 good cause will result in dismissal of this action, either for failure to prosecute pursuant to Federal
7 Rule of Civil Procedure 41(b) or for lack of subject matter jurisdiction.

8 **IT IS SO ORDERED.**

9
10 Dated: September 27, 2011


EDWARD J. DAVILA
United States District Judge